

Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 IO-10 ISO-00 FEA-01 AGR-05 CEA-01

CIAE-00 COME-00 DODE-00 FRB-03 H-02 INR-07 INT-05

L-03 LAB-04 NSAE-00 NSC-05 PA-01 AID-05 CIEP-01 SS-15

STR-04 TAR-01 TRSE-00 USIA-06 PRS-01 SP-02 OMB-01

OIC-02 /105 W

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R 291350Z SEP 75

FM USMISSION GENEVA

TO SECSTATE WASHDC 6042

INFO AMEMBASSY OTTAWA

USMISSION EC BRUSSELS

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E.O. 11652: N/A

TAGS: GATT, ETRD, CA

SUBJECT: GATT COUNCIL DISCUSSION U.S.-CANADA EGG DISPUTE

REF: (A) GENEVA 7369, (B) GENEVA 7332, (C) STATE 228118,

(D) STATE 224427

1. (SUMMARY CONTAINED REFTEL (B)). IN SEPTEMBER 25 GATT COUNCIL, U.S. SAID WE HAD BEEN DISCUSSING CANADIAN EGG RESTRICTIONS WITH CANADA IN ORDER ARRIVE AT SOLUTION; WHILE THESE TALKS GOING ON WE HOPE GATT COULD GIVE ADVISORY RULING ON WHETHER QRS CONSISTENT WITH GATT ART. XI AND WHETHER THEY CONSTITUTE NULLIFICATION AND IMPAIRMENT OF A PRIOR BINDING; WE BELIEVE IN THIS WAY GATT COULD MAKE CONSTRUCTIVE CONTRIBUTION TO OUR MUTUAL EFFORTS TO FIND AMICABLE SOLUTION. WE HOPED FOR PROMPT WP CONSIDERATION SO COUNCIL COULD CONSIDER RESULTS BY DECEMBER 1 AND GAVE FACTUAL BACKGROUND CONTAINED PARAS 3-6 REFTEL (C).

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2. EC (LUYTEN) EXPRESSED SURPRISE WE WANTED WP AND NOT

PANEL, WHICH HAS BEEN TRADITIONAL PRACTICE IN TRADE DISPUTES, AND ASKED EXPLANATION, WE SAID REQUEST FOR WP NOT INCONCSISTENT WITH GATT, WP WOULD BE MEANS OF DEALING WITH MATTER QUICKLY, AND EMPHASIZED WE AFTER ADVISORY RULING AND NOT ARBITRATION. EC SAID THEY UNDERSTOOD THIS NOT ART. XXIII:2 CASE BUT IN PAST PANEL HAS BEEN NORMAL, E.G., IN U.S.-EC DISPUTE ON POULTRY. EC SAID IF MATTER GETS INTO ARTICLE XXIII CONSIDERATION WE WOULD NEED PANEL, WHICH MIGHT REACH DIFFERENT CONCLUSIONS. EC REFERRED INDIRECTLY TO DIFFICULTIES INVOLVED IN ESTABLISHING DISC PANEL, THEN SAID THEY NOT REASSURED ON ADVISABILITY OF HAVING WP BUT SINCE THE TWO PARTIES INVOLVED HAD NO OBJECTION EC WOULD NOT OBJECT, FINALLY ADDING THEY STILL WISHED RECORD SHOW EC FELT WP NOT APPROPRIATE.

3. COUNCIL AGREED SET UP WP WITH TERMS OF REFERENCE "TO EXAMINE MATTER REFERRED TO CPS BY U.S. IN L/4223 CONCERNING CANADIAN IMPORT QUOTAS ON EGGS AND REPORT THEREON TO COUNCIL." CHAIRMAN AND MEMBER-SHIP REPORTED REFTEL (B). NOTE: YUGOSLAVIA UNABLE JOIN DUE ILLNESS OF TOMIC; SWEDEN, SWITZERLAND DECLINED CANADIAN'S REQUEST TO JOIN.

4. ACTION REQUIRED: AS NOTED REFTEL (A), WE REQUIRE EARLY CONFIRMATION WHETHER OCTOBER 10 IS ACCEPTABLE TO U.S. FOR FIRST MEETING OF WP.
DALE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: MEETINGS, FOREIGN TRADE, AGRICULTURAL COMMODITIES, EGGS
Control Number: n/a
Copy: SINGLE
Draft Date: 29 SEP 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: SmithRJ
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975GENEVA07416
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750337-0484
From: GENEVA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t1975096/aaaaafbc.tel
Line Count: 89
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 75 GENEVA 7369, 75 GENEVA 7332, 75 STATE 228118
Review Action: RELEASED, APPROVED
Review Authority: SmithRJ
Review Comment: n/a
Review Content Flags:
Review Date: 23 APR 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <23 APR 2003 by BoyleJA>; APPROVED <26 SEP 2003 by SmithRJ>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: GATT COUNCIL DISCUSSION U.S.-CANADA EGG DISPUTE
TAGS: ETRD, CA, GATT
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006